

REMARKS

Claims 1-12, 21-36 and 38-40 are pending. Claims 1-12 and 21-36 were rejected under 35 U.S.C. § 102(e). Claim 38 was rejected under 35 U.S.C. § 103(a).

Rejections Under 35 U.S.C. § 102 (e)

Claims 1-12 and 21-36 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U. S. Patent Application Number 2002/0021711 issued to Gummalla et al. dated February 21, 2002 in view of U. S. Patent Application Number 2001/0053152 issued to Sala dated December 20, 2001, which is incorporated in Gummalla by reference.

Applicants respectfully traverse this ground of rejection for the following reasons.

First, applicants' claim 1 recites,

sending one or more upstream signals as pulse code modulated data without packet headers using an upstream cable protocol, wherein at least one of the one or more upstream signals is a video signal;

sending one or more downstream signals as pulse code modulated data without packet headers using a downstream cable protocol; and

enclosing the one or more downstream signals as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport.

Gummalla does not teach this limitation. This is because Gummalla discloses in paragraph 0054,

"In general, voice channel transmits the raw data without any headers."

Gummalla does not disclose **video signals as pulse code modulated data without packet headers.**

The Examiner asserts that Gummalla teaches the limitations of applicants' claim 1 based on paragraph 0035 of Gummalla and Sala. Paragraph 0035 of Gummalla states,

"The present invention is described with reference to voice traffic or voice data. But, data in the present invention includes any type of information that is deterministic (i.e., a constant bit rate), such as voice traffic. Also, it is important to note that the present invention is not limited to voice traffic. In fact, the present invention can be used for any constant bit rate source with ON and OFF periods."

As known by those skilled in the art, constant bit rate refers to video or audio encoding where the bit rate used does not fluctuate. By contrast, applicants' claim 1 is not limited to video or audio encoding where the bit rate used does not fluctuate. Furthermore, applicants' claim 1 is not limited to a constant bit rate source with ON and OFF periods. Thus, Gummalla is missing the "**video signals as pulse code modulated data without packet headers**" elements, as recited in applicants' claim 1.

Second, applicants note that Sala does not teach the limitation either. Applicants agree that Sala discloses video, however, the video in Sala **requires** packet headers. This is because Sala discloses in paragraph 0037,

"One or more downstream channels carry information (such as, television signals, IP data packets, control messages in MPEG format) from CMTS 102 to the plurality cable modems 104. Similarly, one or more upstream channels carry bursts of packets from the cable modems 104 to CMTS 102."

As known by those skilled in the art, IP data packets and MPEG packets have packet headers that contain the address of the packet destination. Furthermore, the packet headers are **necessary** for routing packets in Sala, because Sala discloses routers in paragraph 0079 and the Internet in paragraphs 0036, 0043 and 0079. Therefore Sala, similar to Gummalla, does not disclose **video signals as pulse code modulated data without packet headers**. Thus, Gummalla in view of Sala is missing the "sending one or more upstream signals as pulse code modulated data without packet headers using an upstream cable protocol, wherein at least one of the one or more upstream signals is a video signal" elements, as recited in applicants' claim 1.

Therefore Gummalla does not teach all of the limitations in applicants' claim 1, and therefore claim 1 is not anticipated by Gummalla. Since claims 2-12 depend from allowable claim 1, these claims are also allowable over Gummalla.

Independent claims 21 and 28 each have a limitation similar to that of independent claim 1, which was shown is not taught by Gummalla. For example, claim 21 recites, "transporting downstream signals as the PCM data without packet headers over a cable media using a downstream cable protocol, wherein at least one of the downstream signals is a video signal" and claim 28 recites "wherein the transport device transports downstream signals enclosed as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport, and wherein at least one of the downstream signals is a video signal". Gummalla does not teach these limitations for the above-mentioned reasons. Therefore, claims 21 and 28 are likewise allowable over Gummalla. Since claims 22-27 depend from claim 21, and claims 29-36 depend from claim 28, these dependent claims are also allowable over Gummalla.

Rejections Under 35 U.S.C. § 103 (a)

Claim 38 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2002/0021711 issued to Gummalla et al. dated February 21, 2002 in view of U. S. Patent Number 7,164,690 issued to Limb et al. on January 16, 2007.

Applicants respectfully traverse this ground of rejection.

Claim 38 depends from claim 1. Gummalla does not teach or suggest "sending one or more upstream signals as pulse code modulated data without packet headers using an upstream cable protocol, wherein at least one of the one or more upstream signals is a video signal", as recited in claim 1. Limb does not teach or suggest the elements either. Thus, claim 38 is allowable over the proposed combination under 35 U.S.C. § 103 (a).

New Claims

New claims 39-40 have been added. Claims 39-40 provide additional limitations directed to the upstream protocol. No new matter has been added.

10

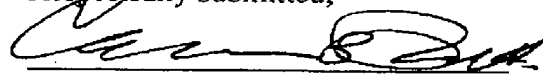
LUC-300 / Dombkowski 7-4

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

Dated: February 11, 2008

PATTI, HEWITT & AREZINA, LLC
Customer Number 47382